

# **TULSA METROPOLITAN AREA PLANNING COMMISSION**

## **For Meeting No. 2546**

**April 22, 2009, 1:30 PM**

**175 East 2<sup>nd</sup> Street, 2<sup>nd</sup> Level, One Technology Center**

**Tulsa City Council Chambers**

**CONSIDER, DISCUSS AND/OR TAKE ACTION ON**

Call to Order:

### **REPORTS**

#### **Chairman's Report:**

#### **Worksession Report:**

#### **Comprehensive Plan Report:**

Report on the update of the Comprehensive Plan

#### **Director's Report:**

1. Minutes of March 25, 2009 Meeting No. 2543

### **CONSENT AGENDA**

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.

2. **LS-20289** Mickey Michalec (2319)/Lot-Split (County)  
West of North Trenton Avenue and south of East 153<sup>rd</sup> Street North,  
15110 North Trenton Ave
3. **PUD-260-B-8 – Lori Worthington/CVS Pharmacy** (PD-18) (CD-7)  
Northeast corner of 71<sup>st</sup> Street South and Yale Avenue (Minor  
Amendment to allow an increase from one square foot of display surface  
area per lineal foot of wall sign to 1.28 square feet of display surface  
area per lineal foot of wall to which the sign is affixed for the south-  
facing elevation only on Lot 2, Block 1, Hyde Park.)
4. **PUD-739 – Tulsa Engineering and Planning/Tim Terral** (PD-8) (CD-2)  
East of the northeast corner of West 81<sup>st</sup> Street South and U.S. Highway  
75 (Detail Site Plan for the entry gates and guard house for the Reserve  
at Stonebrook.)
5. **Resolution Adopting the Southwest Tulsa Neighborhood Plan Phase  
I, Implementation Plan as a Part of the Comprehensive Plan for the  
Tulsa Metropolitan Area (Resolution No. 2546:896)**
6. **Resolution Amending the Comprehensive Plan for the Tulsa  
Metropolitan Area by adopting the Detail Plan Text for Planning  
District 8, a Part of the Comprehensive Plan for the Tulsa  
Metropolitan Area, by adopting the Southwest Tulsa Neighborhood  
Plan Phase One Detailed Implementation Plan (Resolution No.  
2546:897)** (CD-2)

7. **Resolution Amending the Comprehensive Plan for the Tulsa Metropolitan Area by Adopting the Detail Plan Text for Planning District 9, a Part of the Comprehensive Plan for the Tulsa Metropolitan Area, by adopting the Southwest Tulsa Neighborhood Plan Phase One Detailed Implementation Plan (Resolution No. 2546:898)** (CD-2)

**CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA**  
**PUBLIC HEARING ZONING CODE AMENDMENTS**

8. **Consider Amendments to the Zoning Code, City of Tulsa, Oklahoma to reflect changes in spacing requirements among various Use Unit 14 Uses, Chapter 12, Section 1214, Tulsa Zoning Code.**

**PUBLIC HEARINGS**

9. **Heritage Landing – (0329) Authorization for Accelerated Release of Building Permit** (PD 3) (CD 3)  
West of the Southwest corner of Apache and North Harvard Avenue  
(continued from 3/18/09, 4/1/09, and 4/15/09)

**OTHER BUSINESS**

10. **Consider and Review TMAPC Code of Ethics and Mission Statement.**  
11. **Commissioners' Comments**

**ADJOURN**

PD = Planning District/CD = Council District

**NOTICE: If you require special accommodation pursuant to the Americans with Disabilities Act, please notify INCOG (918) 584-7526**

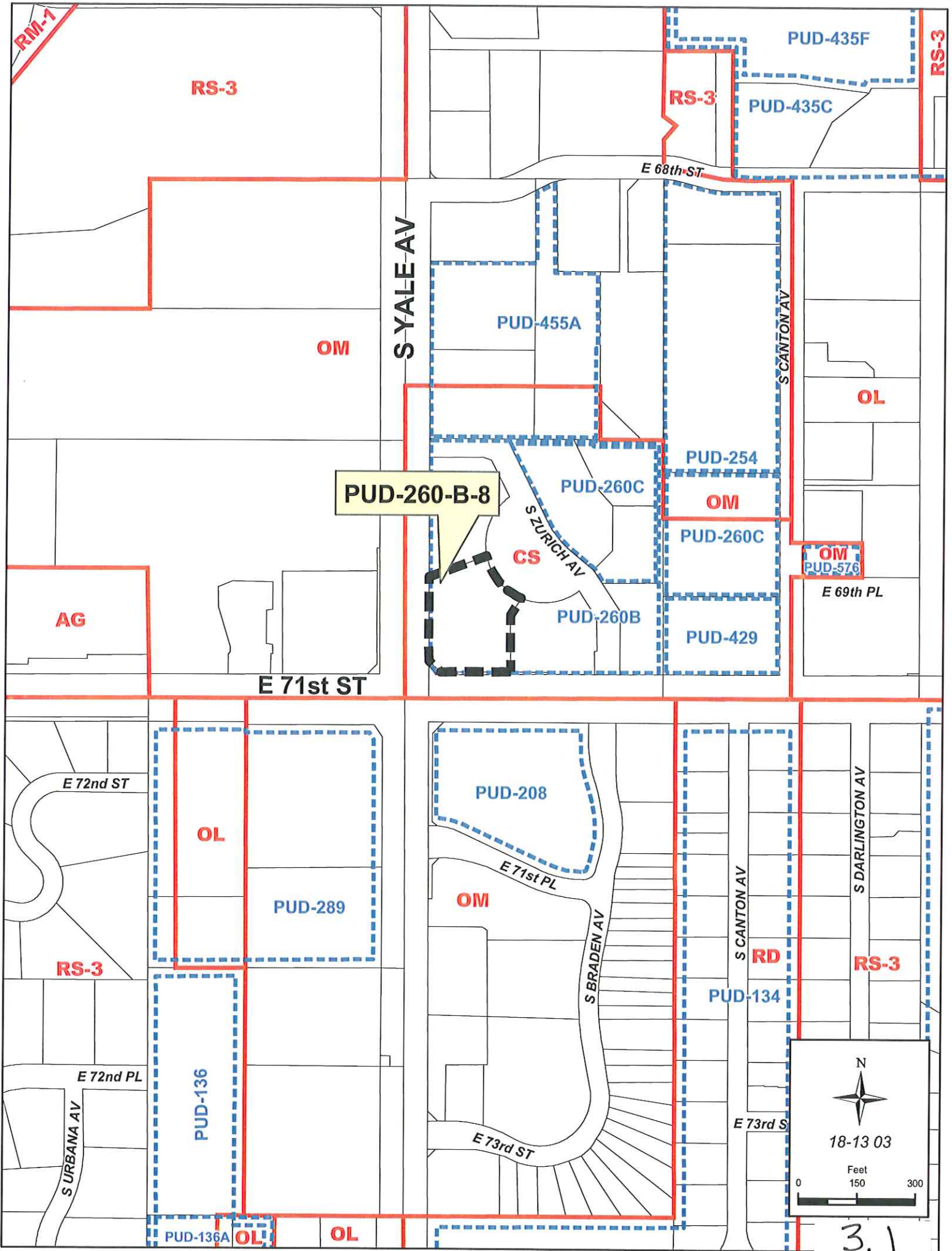
**Exhibits, Petitions, Pictures, etc., presented to the Planning Commission may be received and deposited in case files to be maintained at Land Development Services, INCOG.**

**Ringling/sound on all cell phones and paggers must be turned off during the Planning Commission.**

Visit our website @ [www.tmapc.org](http://www.tmapc.org)

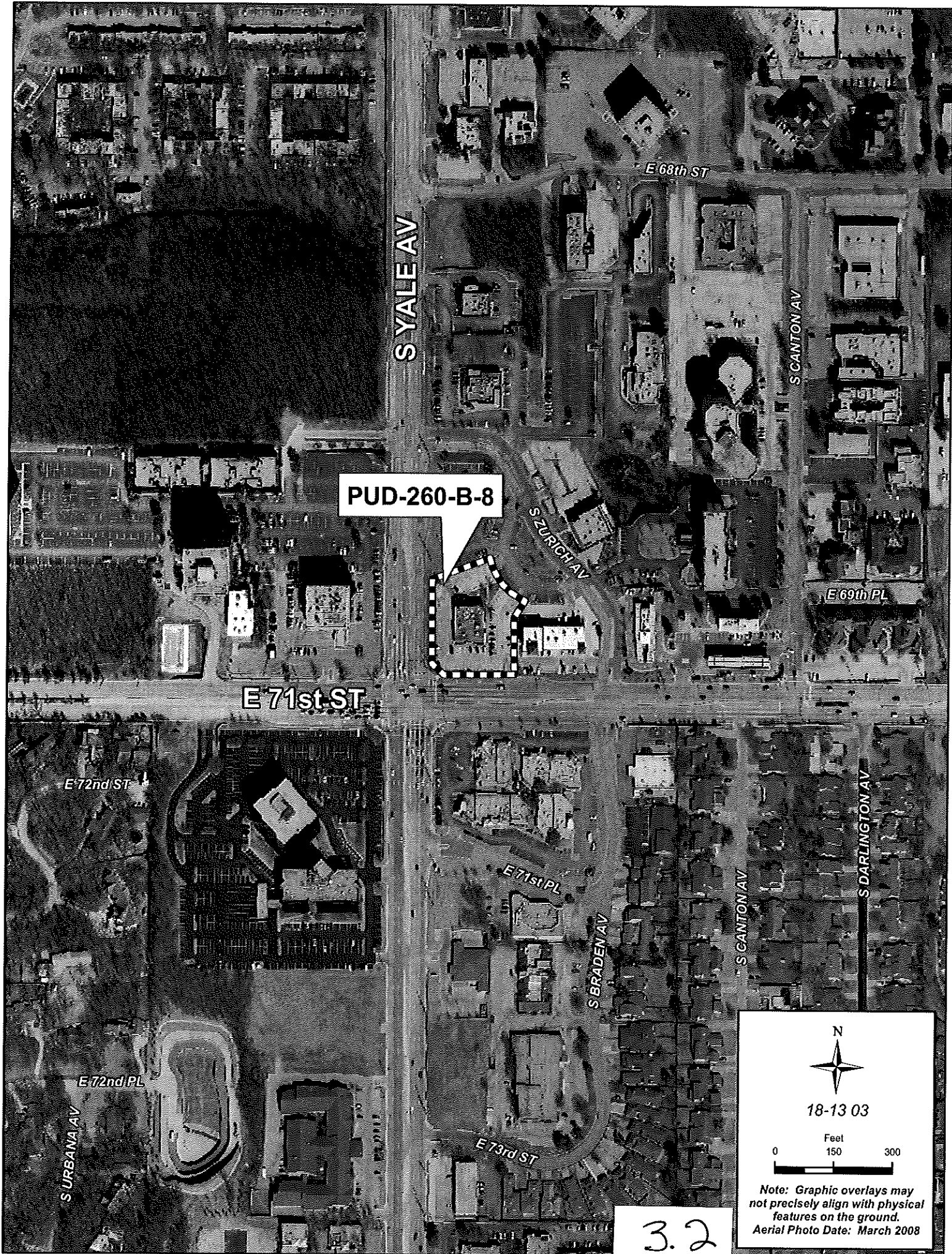
The mission of the Tulsa Metropolitan Area Planning Commission (TMAPC) is to provide comprehensive planning, zoning and land division services for the City of Tulsa and Tulsa County through a joint city-county cooperative planning commission resulting in the orderly development of the Tulsa Metropolitan Area and enhancing and preserving the quality of life for the region's current and future residents.

**TMAPC Mission Statement**



3.1

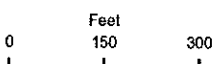




PUD-260-B-8



18-13 03



Note: Graphic overlays may not precisely align with physical features on the ground.  
Aerial Photo Date: March 2008

3.2



**SYALE AV**

**S ZURICH AV**

**PUD-260-B-8**

**E 71st ST**



18-13 03



Note: Graphic overlays may not precisely align with physical features on the ground.  
Aerial Photo Date: March 2008

3.3



April 22, 2009

## STAFF RECOMMENDATION

**PUD-260-B-8:** Minor Amendment – Northeast corner of 71<sup>st</sup> Street South and Yale Avenue; Lot 2, Block 1 – Hyde Park; TRS 8303; CZM 453; Atlas 1002; PD 18; CD 7; CS/PUD.

The applicant is requesting a minor amendment to increase the permitted display surface area for wall signs on the south facing elevation only of a future CVS Pharmacy. The increase being requested is from 1 square foot (sf) of display surface area (dsa) per each lineal foot of wall (lfw) to which the sign is affixed, to 1.28 sf of dsa per each lineal foot of building wall to which the sign is affixed.

PUD-260 was originally approved anticipating office, bank and a hotel use. The more restrictive sign standards for office uses were subsequently adopted for the PUD and a ratio of 1:1 was established for wall signs. Major amendments PUD-260-A and PUD-260-B were approved adding restaurant uses and all uses permitted by right in the CS District respectively. As these major amendments were approved, the sign standards were not updated to accurately reflect the change in the development of the PUD from office uses to more intensive commercial uses as exists today.

A reflection of this change is seen in the six (6) minor amendments that have been approved by the TMAPC for this PUD; five of which have been strictly moderate increases in permitted signage and are well below what is permitted by the underlying CS zoning.

Specific to wall signs, the TMAPC has granted an increase from 1 to 1.5 sf of display area per each lineal foot of wall twice – once in 1995 for a McDonald's restaurant, and one as recently as February of 2009. In both instances, the increase was granted for specific elevations of the building, and not for the entire PUD.

Since this request is below the increase to 1.5 sf of display area per lineal foot of wall which has been previously approved by the TMAPC, staff views this request as minor in nature. It is staff's opinion that the .28' increase would not substantially alter the character of the PUD or the intent of the PUD chapter of the code.

Therefore, staff recommends **APPROVAL** of minor amendment PUD-260-B-8, allowing 1.28 square feet of display surface area per lineal foot of wall to which the sign is affixed, for the south facing elevation only on Lot 2, Block 1 – Hyde Park.

*Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.*

3.4

## CVS PHARMACY INSTALL

ONE MONUMENT SIGN 52.08SQ. 8' MAX. HEIGHT 75' FROM CENTER OF S. YALE AVE AND 85' FORM CENTER OF E. 71<sup>ST</sup>. STREET.

ON WEST ELEVATION (FRONT ELEVATION) INSTALL THE FOLLOWING ON A 193' LONG WALL.

CVS PHARMACY 74.76SQFT.

PHOTO 4.97SQFT.

24 HOURS 17.SQFT.

DRIVE THRU PHARMACY 17.9SQFT.

WINDOW CANOPY PHOTO 1SQFT.

WINDOW CANOPY BEAUTY 1.7SQFT.

WINDOW CANOPY DRIVE THRU PHARMACY 5.SQFT.

FOR A TOTAL OF 122.33SQFT.

ON SOUTH ELEVATION (RIGHT ELEVATION) INSTALL THE FOLLOWING ON A 92' LONG WALL.

CVS PHARMACY 74.76SQFT.

DRIVE THRU PHARMACY 17.9SQFT.

24 HOURS 17SQFT.

WINDOW CANOPY PHOTO 1SQFT.

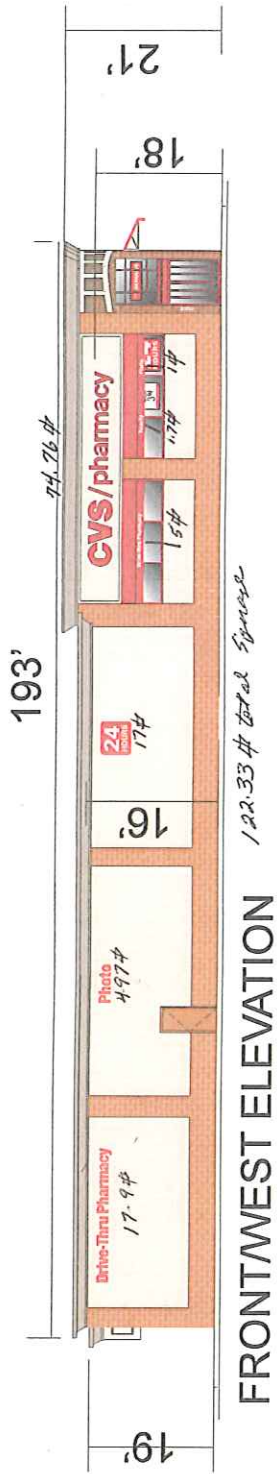
WINDOW CANOPY BEAUTY 1.7SQFT.

WINDOW CANOPY DRIVE THRU PHARMACY 5.SQFT.

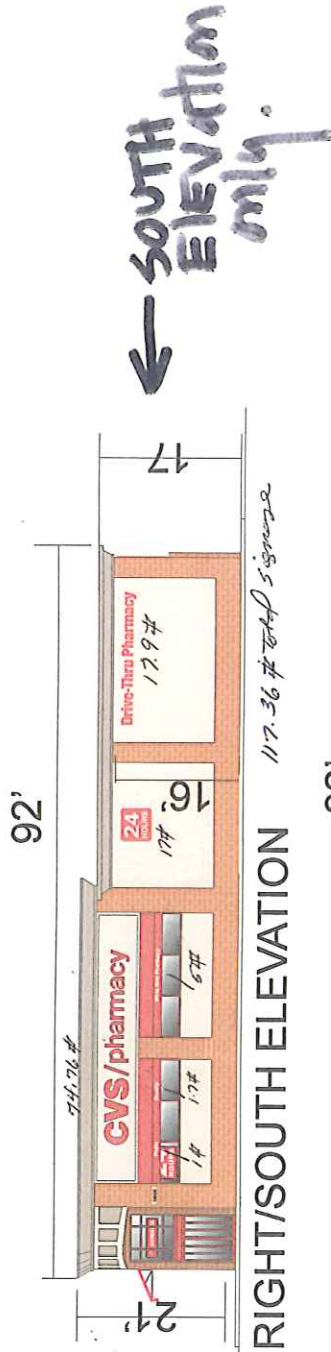
FOR A TOTAL OF 117.36SQFT.

$$\begin{aligned} &\rightarrow 1:1 = 92 \text{ ft} \\ &\rightarrow 118 \text{ ft} / 92 \text{ ft} = 1.28 \text{ ft} \end{aligned}$$

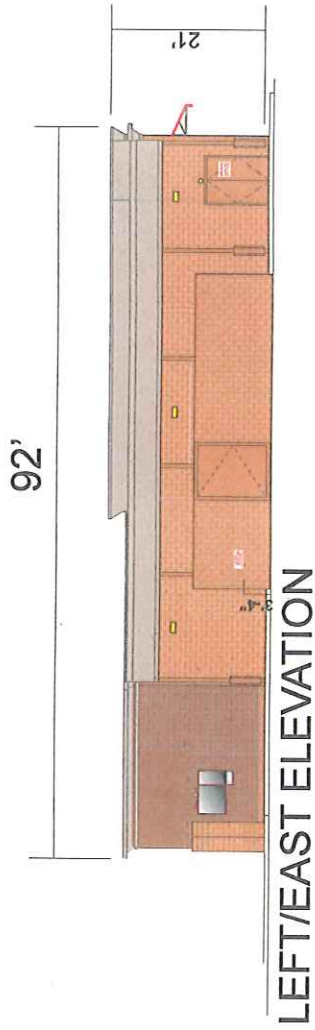
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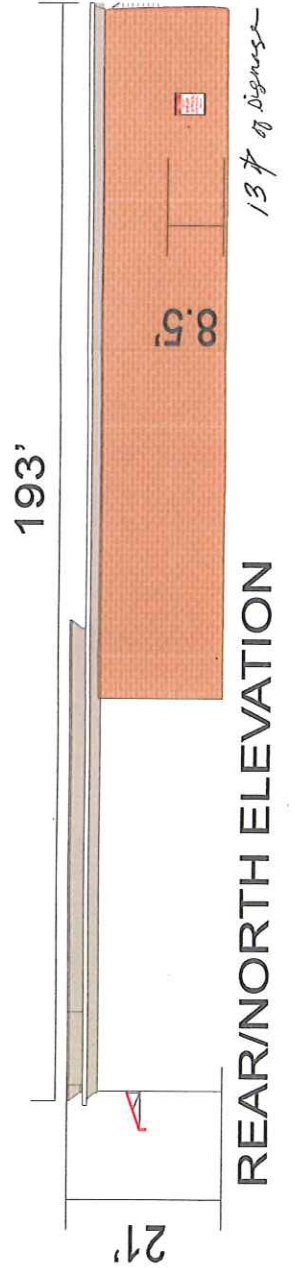
FRONT/WEST ELEVATION



RIGHT/SOUTH ELEVATION



LEFT/EAST ELEVATION



REAR/NORTH ELEVATION

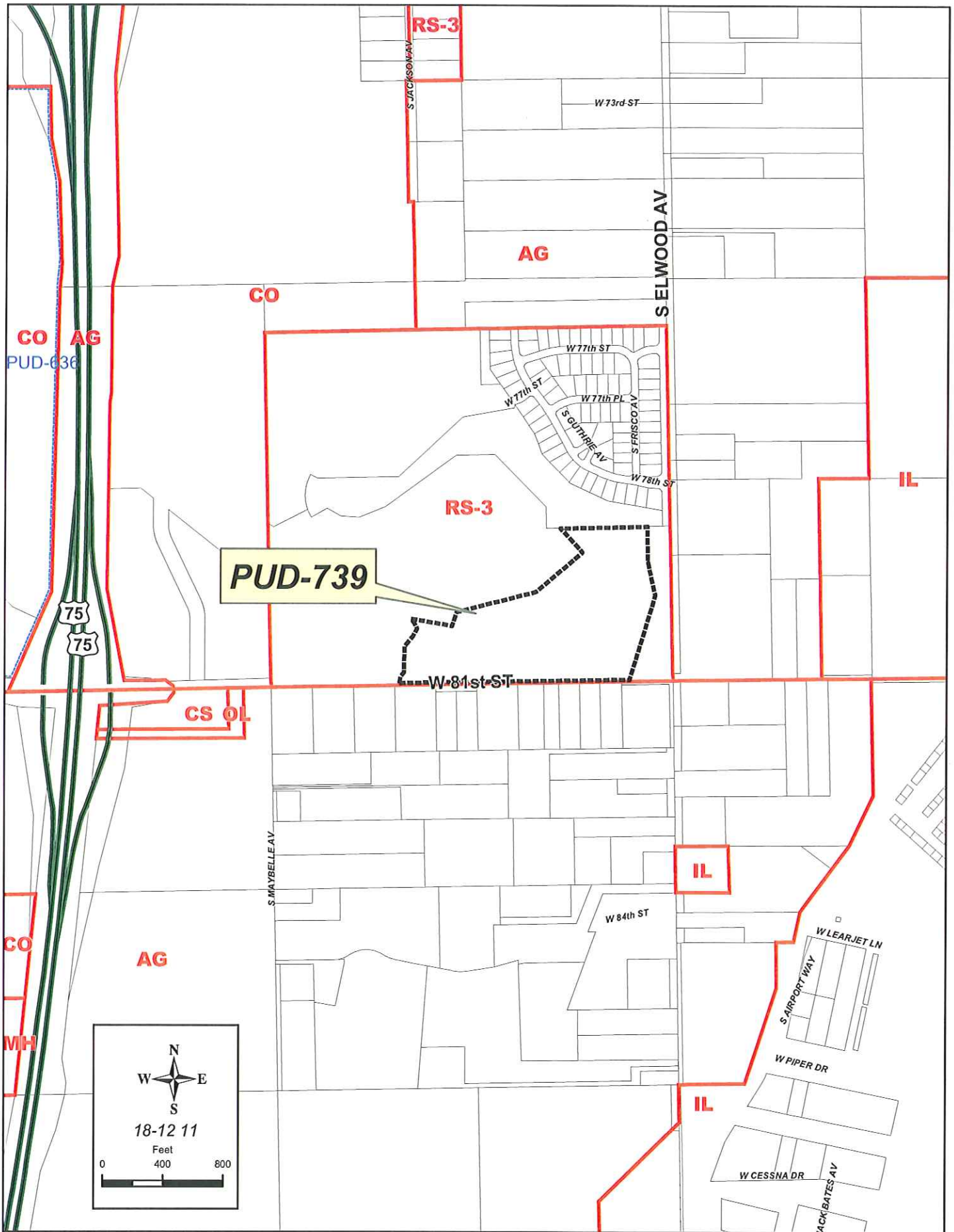


TMAPC  
SITE PLAN  
SHEET NUMBER: 1.0  
COMMENTS: SEE 10-20-20



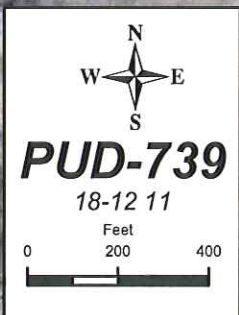












April 22, 2009

### STAFF RECOMMENDATION

**PUD-739:** Detail Site Plan – East of the northeast corner of W. 81<sup>st</sup> Street South and U.S. Hwy. 75 (intersection of S. Houston Ave. and 80<sup>th</sup> Street South); TRS 8211; CZM 51; PD 8; CD 2; RS-3/PUD.

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The applicant is requesting approval of a detail site plan for the entry gates and guard house for the Reserve at Stonebrook/PUD-739.

Approved as PUD-739 in April 2007, The Reserve at Stonebrook is a single-family residential development located east of the northeast corner of W. 81<sup>st</sup> Street and U.S. Hwy. 75. The property is zoned RS-3/PUD.

Development standard #14 of PUD-739 reads:

“Entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC, Traffic Engineering and Tulsa Fire Department, prior to issuance of a building permit for the gates or guard houses.”

The submitted site plan meets applicable building height, wall/gate height, and setback limitations. The proposed plan has also received the required endorsement of the City of Tulsa Fire Marshall and Traffic Engineering (see attached).

Since the proposed site plan meets all applicable PUD development standards and requirements, staff recommends **APPROVAL** of the detail site plan for the entry gate and guard house for PUD-739 as depicted in the attached exhibits.

*(Note: Detail site plan approval does not constitute landscape and sign plan approval.)*

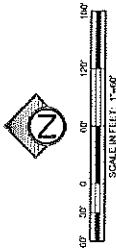
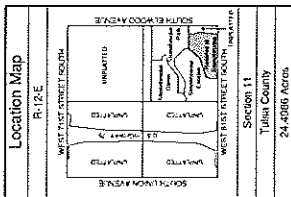
4.4



# The Reserve at Stonebrooke

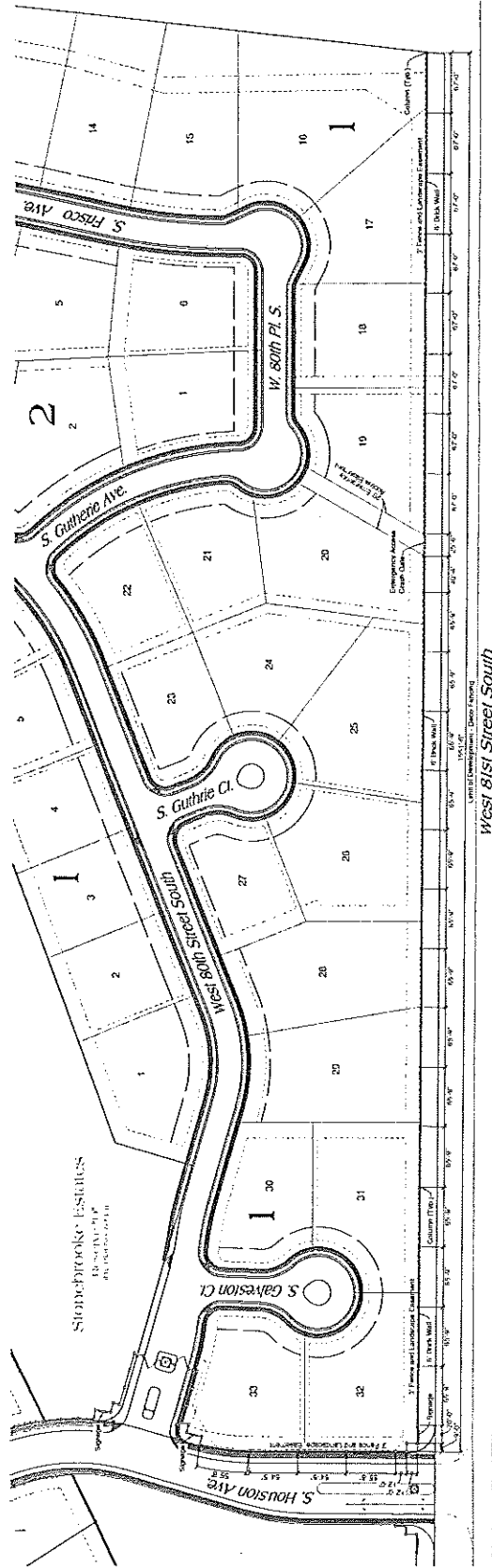
Overall Detail Site Plan

A subdivision in the City of Tulsa, being a part of the SE/4 of Section 11, Township 18 North,  
Range 12 East, of the Indian Meridian, Tulsa County, State of Oklahoma



**OWNER / DEVELOPER**  
Stonebrooke Development Group, LLC  
10000 E. 10th Avenue  
Tulsa, Oklahoma 74116  
Phone: 918.491.3337

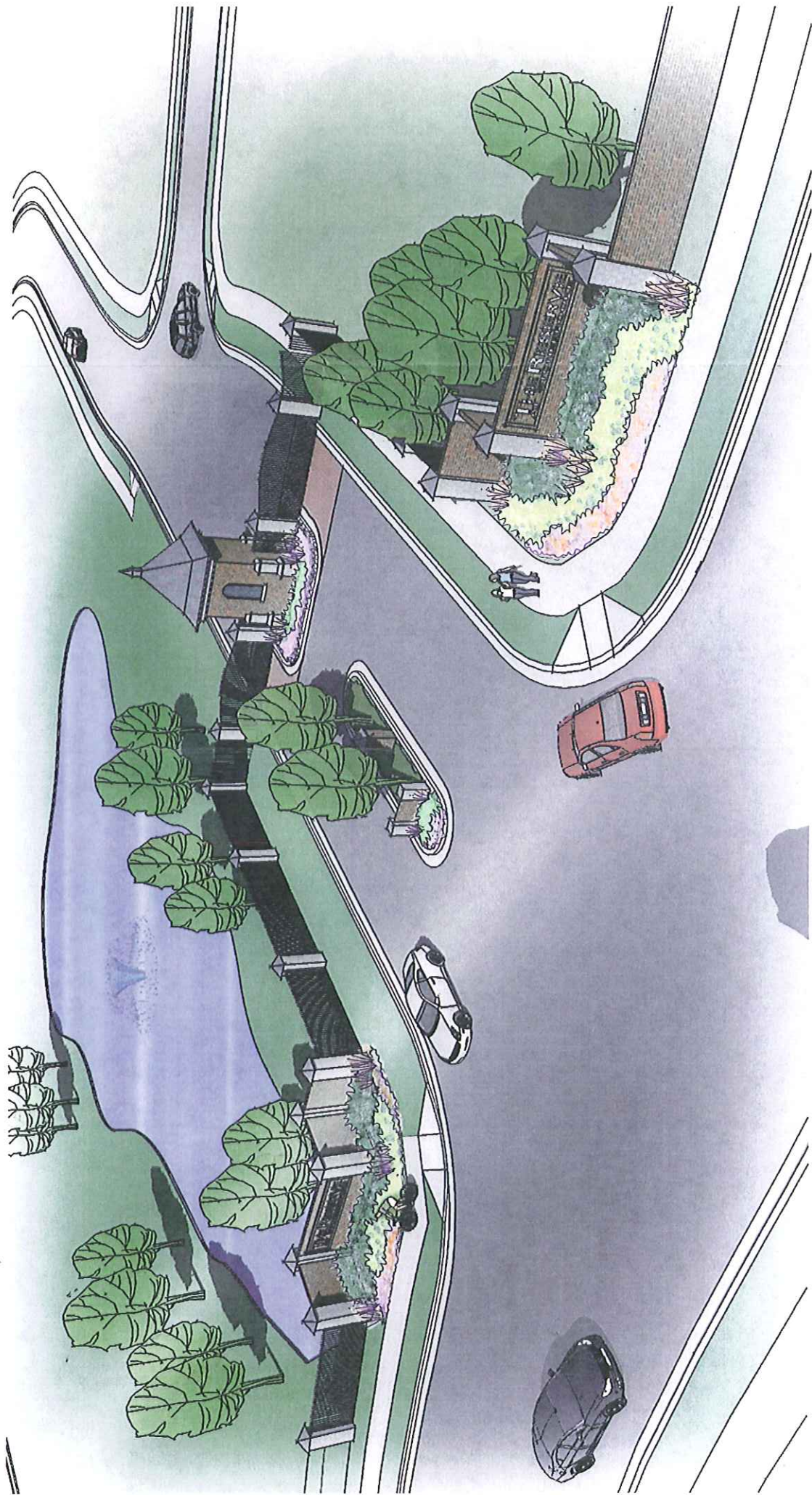
**ENGINEER / SURVEYOR**  
Tulsa Engineering & Planning Associates, Inc.  
6727 South 10th East Avenue  
Tulsa, Oklahoma 74116  
Phone: 918.252.4421



The Reserve at Stonebrooke  
Sheet 2 of 5

G:\06-177-0001\Site Plans\06-177-0001-02 Overall Detail Site Plan.dwg, 4/13/2009, 7:29 PM

4.5



## THE RESERVE AT STONEBROOKE

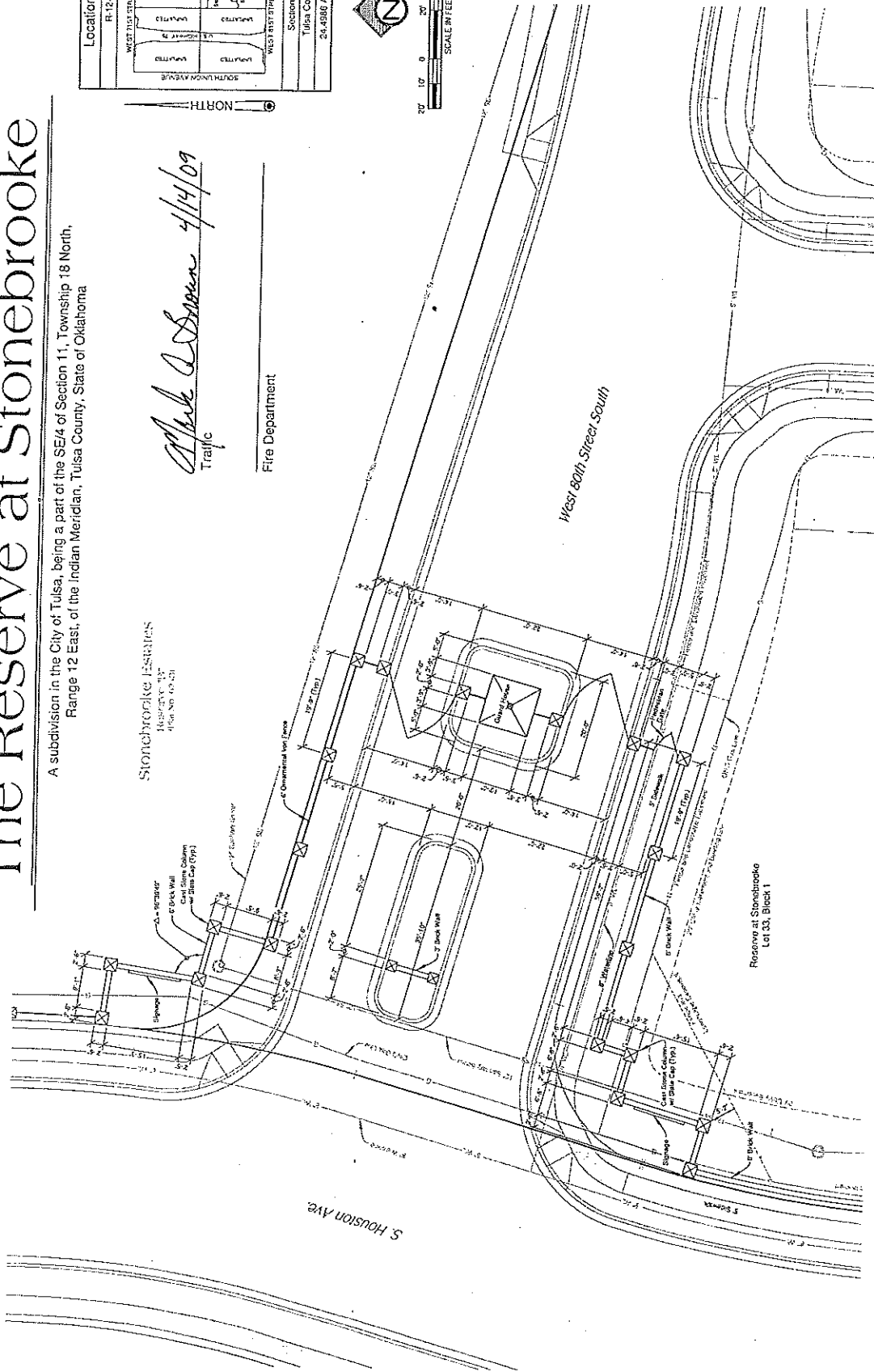
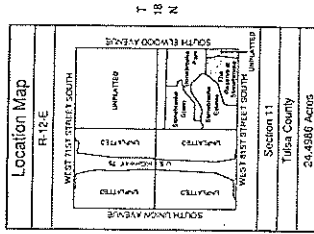
GATED ENTRY CONCEPT

# The Reserve at Stonebrooke

Stonbrooke Estates  
 14500 4th  
 450 NW 40th

*CP/uk A Brown* 4/14/09  
Traffic

Fire Department



The Reserve at Stonebrooke

4.7



# The Reserve at Stonebrooke

Location Map

R-12-E

WEST FIRST STREET SOUTH

SOUTH UNION AVENUE

UNIMATED

UNIMATED

UNIMATED

UNIMATED

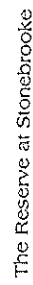
SOUTH ELWOOD AVENUE

Section 11

Tutuila County

24.9982 Acres

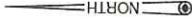
Kerry Whitely  
Fire Department



Sheet 1 of 2

## Perimeter Wall Elevation

A subdivision in the City of Tulsa, being a part of the SE/4 of Section 11, Township 18 North,



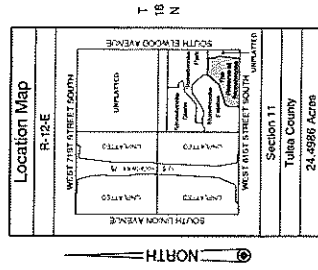
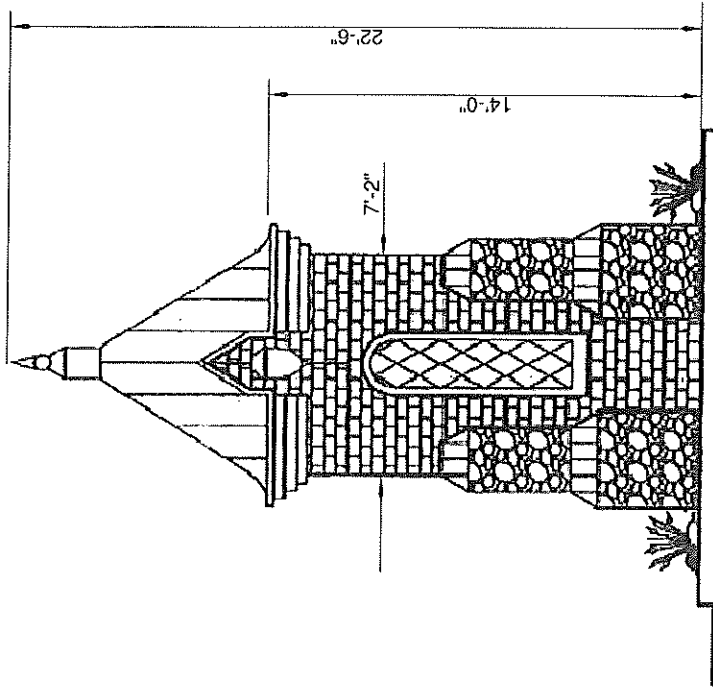
Not To Scale

Sheet 3 of 5

Entry Guardhouse Elevation

# The Reserve at Stonebrooke

A subdivision in the City of Tulsa, being a part of the SE 1/4 of Section 11, Township 18 North,  
Range 12 East, of the Indian Meridian, Tulsa County, State of Oklahoma



The Reserve at Stonebrooke  
Sheet 4 of 5

D:\06-137\Drawl Site Plans\06-137 Guardhouse Elevation.dwg, 4/10/2009 - 10:29 AM



**A RESOLUTION ADOPTING  
THE SOUTHWEST TULSA NEIGHBORHOOD PLAN PHASE 1,  
IMPLEMENTATION PLAN AS  
A PART OF THE COMPREHENSIVE PLAN  
FOR THE TULSA METROPOLITAN AREA**

WHEREAS, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

WHEREAS, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

WHEREAS, a public hearing was held on the 1<sup>st</sup> day of April, 2009, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to adopt the Southwest Tulsa Neighborhood Plan Phase 1, Implementation Plan as a part of the Comprehensive Plan of the Tulsa Metropolitan Area.

NOW, THEREFORE, BE IT RESOLVED by the TMAPC, that the Southwest Tulsa Neighborhood Plan Phase 1, Implementation Plan be hereby adopted as part of the Comprehensive Plan for the Tulsa Metropolitan Area.

**DATED** this \_\_\_\_ day of \_\_\_\_\_, 2009.

**TULSA METROPOLITAN AREA PLANNING COMMISSION**

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Secretary

**RESOLUTION NO.: 2546:896**

**APPROVED** by the City Council of the City of Tulsa, Oklahoma this \_\_\_\_\_ day  
of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Council Chair

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney

**RESOLUTION NO.: 2546:897**

**A RESOLUTION AMENDING THE COMPREHENSIVE PLAN FOR THE TULSA METROPOLITAN AREA BY ADOPTING THE DETAIL PLAN TEXT FOR PLANNING DISTRICT 8, A PART OF THE COMPREHENSIVE PLAN FOR THE TULSA METROPOLITAN AREA, BY ADOPTING THE SOUTHWEST TULSA NEIGHBORHOOD PLAN PHASE ONE DETAILED IMPLEMENTATION PLAN**

WHEREAS, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

WHEREAS, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

WHEREAS, on the 28th day of January, 1976, this Commission, by Resolution No. 1115:428, did adopt the Detail Plan for Planning District 8, a part of the Comprehensive Plan for the Tulsa Metropolitan Area; and

WHEREAS, a public hearing was held on the 1st day of April, 2009, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to amend the District 8 Plan, a part of the Comprehensive Plan of the Tulsa Metropolitan Area, by adopting the provisions for Plan text amendments related to the Southwest Tulsa Neighborhood Plan Phase One Detailed Implementation Plan, as set forth in Exhibit A, attached and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED by the TMAPC, that the amendment to the Detail Plan Text for Planning District 8, as set out above, be and is hereby adopted as part of the Comprehensive Plan for the Tulsa Metropolitan Area.

**DATED** this \_\_\_\_ day of \_\_\_\_\_, 2009.

**TULSA METROPOLITAN AREA PLANNING COMMISSION**

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Secretary



**RESOLUTION NO.: 2546:897**

**APPROVED** by the City Council of the City of Tulsa, Oklahoma this \_\_\_\_\_ day  
of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Council Chair

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney

**RESOLUTION NO.: 2546:898**

**A RESOLUTION AMENDING THE COMPREHENSIVE PLAN FOR THE TULSA METROPOLITAN AREA BY ADOPTING THE DETAIL PLAN TEXT FOR PLANNING DISTRICT 9, A PART OF THE COMPREHENSIVE PLAN FOR THE TULSA METROPOLITAN AREA, BY ADOPTING THE SOUTHWEST TULSA NEIGHBORHOOD PLAN PHASE ONE DETAILED IMPLEMENTATION PLAN**

WHEREAS, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

WHEREAS, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

WHEREAS, on the 24th day of November, 1976, this Commission, by Resolution No. 1139:445, did adopt the Detail Plan for Planning District 9, a part of the Comprehensive Plan for the Tulsa Metropolitan Area; and

WHEREAS, a public hearing was held on the 1st day of April, 2009, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to amend the District 9 Plan, a part of the Comprehensive Plan of the Tulsa Metropolitan Area, by adopting the provisions for Plan text amendments related to the Southwest Tulsa Neighborhood Plan Phase One Detailed Implementation Plan, as set forth in Exhibit A, attached and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED by the TMAPC, that the amendment to the Detail Plan Text for Planning District 9, as set out above, be and is hereby adopted as part of the Comprehensive Plan for the Tulsa Metropolitan Area.

**DATED** this \_\_\_\_ day of \_\_\_\_\_, 2009.

**TULSA METROPOLITAN AREA PLANNING COMMISSION**

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Secretary

**RESOLUTION NO.: 2546:898**

**APPROVED** by the City Council of the City of Tulsa, Oklahoma this \_\_\_\_\_ day  
of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Council Chair

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney



**DRAFT**

**AMENDMENTS TO CHAPTER 12, SECTION 1214, TULSA ZONING CODE**

Page 12-31

**C. Use Conditions**

...

3. Delete spacing requirements for blood banks, plasma centers and pawn shops. Delete day labor hiring centers from the list. Existing spacing requirements for liquor stores from parks, schools, and other liquor stores, etc. (elsewhere in the Zoning Code) shall remain. Delete second sentence of existing paragraph and all following in that paragraph.

Change Item 3. to read, "Bail bond offices (except when located within a CBD zoned district) must be no closer than 300' from any R-zoned property and must be screened from any abutting R district as set forth in item C.2, Chapter 12, Section 1214."



RESOLUTION

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A RESOLUTION IMPOSING A DUTY UPON THE TULSA METROPOLITAN AREA PLANNING COMMISSION TO ANALYZE AND RECOMMEND TO THE CITY COUNCIL ANY ORDINANCE AMENDMENTS AND REGULATIONS THEY DEEM NECESSARY TO PROTECT THE PUBLIC PEACE, HEALTH, WELFARE, ORDER, MORALS, AND SAFETY, GOVERNING THE MINIMUM SPACING REQUIREMENTS ESTABLISHED BETWEEN PROPERTIES USED FOR THE PURPOSE OF BLOOD BANKS, PLASMA CENTERS, DAY LABOR HIRING CENTERS, LIQUOR STORES, OR PAWN SHOPS AS SET FORTH IN TITLE 42, SECTION 1214 OF THE TULSA REVISED ORDINANCES; REQUESTING THE TULSA METROPOLITAN AREA PLANNING COMMISSION SUBMIT THE STUDY TO THE TULSA CITY COUNCIL WITHIN ONE HUNDRED AND TWENTY (120) DAYS OR MARCH 1, 2009 WHICHEVER DATE IS FIRST OCCURRING; AND DECLARING AN EMERGENCY.

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Deleted: IN THE CITY OF TULSA,

WHEREAS, the City of Tulsa has adopted a Comprehensive Plan and a Zoning Code for all areas within its municipal boundaries to provide for the orderly and productive development of land which provides great opportunity for land owners to develop or use their property without adversely impacting the surrounding area within the City of Tulsa;

WHEREAS, in order to protect the public health, safety, and welfare, the Zoning Code for the City of Tulsa provides for specific minimum spacing requirements between properties containing certain uses;

WHEREAS, the use of a minimum spacing requirement between properties with certain uses is a well established mechanism to protect the public peace, health, welfare, order, morals, and safety when there is a reasonable expectation that having such uses in close proximity would promote or exacerbate activities injurious to the public health and welfare;

WHEREAS, from time to time, it is deemed appropriate to review specific provisions of the City's zoning code to ensure such provisions are still relevant and reflect the will of the City of Tulsa;

WHEREAS, Title 42, section 1214 of the Tulsa Revised Ordinances contains a provision requiring blood banks, plasma centers, day labor hiring



centers, liquor stores, and pawn shops to be spaced a minimum of three hundred (300) feet from each other, with the distance between these uses measured in a straight line from the nearest perimeter wall of the portion of the building of one applicable use to the nearest perimeter wall of the portion of the building of any other applicable use;

WHEREAS, to determine whether adequate minimum spacing exists, any property owner seeking to use a space for one of the aforementioned uses must provide the Board of Adjustment a list of all property owners within three hundred (300) feet with the payment of appropriate fees and costs. Afterward, the Board of Adjustment will send notice of the intended use to each of the property owners within three hundred (300) feet and hold a hearing to determine any conflicting uses lawfully exist within the minimum spacing requirement;

WHEREAS, the Board of Adjustment process is required even when there is no apparent conflicting use within the three hundred (300) foot spacing requirement;

WHEREAS, the City of Tulsa has utilized the current minimum spacing requirements between blood banks, plasma centers, day labor hiring centers, liquor stores, and pawn shops for over seven (7) years without modification. After such time, it is appropriate to review the minimum spacing requirements to determine if the requirements are protecting the public health, safety, and welfare. It is also appropriate to determine if such requirements should be increased or decreased to provide the most public protection with the least reasonable intrusion on the rights of the private property owner; and,

WHEREAS, the Tulsa Zoning Code, Title 42, Section 1701, requires the Tulsa Metropolitan Area Planning Commission (TMAPC) to hold a public hearing on any proposed text amendment to the Zoning Code, and provide its report and recommendation on the proposed amendment to the City Council. Therefore, it is appropriate for TMAPC to review Title 42, section 1214 of the Tulsa Revised Ordinances, hold a public hearing, and provide the City Council its report and recommendation on what, if any, changes should be incorporated into section 1214.

BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. The TMAPC shall convene as needed, collect evidence and hear testimony, hold at least one public hearing, deliberate, and issue written recommendations to the City Council and the Mayor of the City of Tulsa, on whether or not the spacing requirements set forth in Title 42, section 1214 (C)(3) should be repealed, modified, or left unchanged. The TMAPC shall transmit its recommendations to the City Council and the Mayor of the City of Tulsa within one hundred and twenty (120) days from the effective date of this resolution or March 1, 2009, whichever occurs first.

Section 2. TMAPC shall review and provide a recommendation on specifically but not limited to whether the minimum spacing requirements have provided the desired effect; if the minimum spacing requirements should be increased to obtain the desired effect; what might be the adverse effect of decreasing or eliminating the minimum spacing requirements a certain spacing intervals; whether the burden of initially determining if conflicting uses are within the minimum required spacing can be placed upon City, and if so, at what cost; and recommended wording for any text amendments to Title 42, section 1214 recommended by TMAPC.

Section 3. The Legal Department of the City of Tulsa shall provide legal advice and counsel to the TMAPC, as needed.

Section 4. That an emergency is hereby declared to exist for the preservation of the public peace, health and safety, by reason whereof this Resolution shall take effect immediately upon its adoption and approval and publication.

ADOPTED by the Council: \_\_\_\_\_  
Date

\_\_\_\_\_  
Chairman of the Council

ADOPTED as an emergency measure: \_\_\_\_\_  
Date

\_\_\_\_\_  
Chairman of the Council

#### OFFICE OF THE MAYOR

Received by the Mayor: \_\_\_\_\_, at \_\_\_\_\_.

Kathy Taylor, Mayor

By: \_\_\_\_\_  
Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma:  
\_\_\_\_\_, at \_\_\_\_\_  
Date Time

8.5

(Seal)  
ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

APPROVED:

\_\_\_\_\_  
City Attorney

DRAFT

8.6

## **SECTION 1214. USE UNIT 14. SHOPPING GOODS AND SERVICES**

### **A. Description**

Retail establishments engaged in the merchandising of shopping goods and services.

### **B. Included Uses:**

#### **1. Retail Trade Establishments:**

- Antique Shop
- Art Gallery, commercial
- Artist Supply Store
- Automobile Parts and Accessories Store
- Bicycle Shop
- Book Store
- Business and Office Machine Sales Establishment
- Camera and Photographic Supply Store
- Clothing and Accessories Store
- Cosmetic Shop
- Department Store
- Dressmaking Shop
- Dry Goods Store
- Fur Storage
- Furriers
- Garden Supply Store
- Hardware Store
- Hobby Shop
- Home Furnishings Establishment selling such items as:
  - Appliances,
  - China, Glassware and Metalware,
  - Draperies, Curtains, Upholstery,
  - Floor Coverings, and
  - Furniture
- Jewelry Store
- Leather Goods and Luggage Store
- Liquor Store
- Medical, Dental and Orthopedic Appliances and Supply Store
- Musical Instrument and Supply Store
- Office Furnishing Establishment
- Office Machine Sales
- Office Supplies Store
- Paint Store
- Pawn Shop
- Pet Shop
- Picture Framing



- Radio and TV Sales
- Record, Tape and Compact DISC Sales
- Reducing Salon
- Secondhand Store
- Shoe Repair Shop
- Shoe Store
- Sporting Goods Store
- Stationery Store
- Tailor Shop
- Toy Shop
- Variety Store
- Video Rentals
- Wall Paper Store
- Wig Shop

**2. Retail Building Material Establishments**, exclusive of fabrication or repair:

- Building Materials
- Electrical Supply
- Plumbing Fixtures

**3. Service Establishments:**

- Auto Alarms Installation
- Auto Radio and Stereo Systems Installation
- Auto Window Tinting
- Bail Bonds Office
- Blood Bank and Plasma Center
- Caterer
- Copying Service
- Costume Rental Service
- Day Labor Hiring Center
- Gasoline Service Station (one bay car wash)
- Gunsmith
- Household Minor Appliance Repair
- Interior Decorating, with retail sales
- Laundromat Self Service, coin operated
- Locksmith
- Oil and Lubrication Service (three bay maximum)
- Photo Finishing
- Radio and Television Repair
- Tag Agency, Automotive
- Tune-up Service (three bay maximum)
- Veterinarian Clinic, excluding outside animal runs
- Watch and Jewelry Repair

### C. Use Conditions

1. The uses included in Use Unit 14 shall take place within a completely enclosed building, except that accessory outdoor display of merchandise is permitted, whether uncovered or covered by a tent or canopy, provided:
  - a. The outdoor display area shall extend no closer to the street than the building setback requirement;
  - b. The outdoor display area or outdoor customer seating area shall not occupy or use required parking spaces or access aisles;
  - c. That such outdoor display area shall be considered floor area for the purposes of determining off-street parking and loading requirements as set forth herein; and
  - d. In the CS District there shall be no open air storage or display of merchandise offered for sale within 300 feet of an abutting R District.
2. The uses included in Use Unit 14, when located on a lot which is abutting an R District, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.
3. Blood banks, plasma centers, day labor hiring centers, liquor stores, bail bond offices (except when located within a CBD zoned district), and pawn shops shall be spaced a minimum of 300 feet from each other. After July 1, 2001, the distance between these uses shall be measured in a straight line from the nearest perimeter wall of the portion of the building of one applicable use to the nearest perimeter wall of the portion of the building of any other applicable use. However, for any such use which has been in operation or has been issued a building permit for such use on or before July 1, 2001, the distance between these uses shall be measured in a straight line from the nearest public entrance door of one applicable use to the nearest public entrance door of any other applicable use.

### D. Off-Street Parking and Loading Requirements

<u>Uses</u>	<u>Parking Spaces</u>	<u>Loading Berths</u>
Antique and Furniture Stores	1 per 300 SF of floor area	1 per 5,000 to 25,000 SF plus 1 per each add'l 25,000 SF of floor area
Gasoline Service Station, Oil and Lubrication Service and Tune-up Service	1 per 500 SF of floor area - minimum of 5 spaces	NA
All Other Uses	1 per 225 SF of floor area	1 per 5,000 to 25,000 SF plus 1 per each add'l 25,000 SF of floor area

Outdoor display or storage of lawn, garden and construction materials	1 per 600 SF of floor area	1 per 5,000 to 25,000 SF plus 1 per each add'l 25,000 SF of floor area
All other outdoor display or storage of merchandise	1 per 300 SF of floor area	1 per 5,000 to 25,000 SF plus 1 per each add'l 25,000 SF of floor area

**E. Other Requirements**

1. Only vehicles which are accessory to permitted principal uses on the lot shall be permitted to be parked on the lot. Such vehicles shall include customer's vehicles, repair or service vehicles, and those vehicles driven in the ordinary course of the principal user's business.
2. Except for the purpose of immediate loading or unloading, accessory vehicles or trailers in excess of 1-1/2 tons capacity, or accessory vehicles or trailers with signs that exceed 32 square feet that direct attention to a business, service, commodity, or entertainment offered or sold on the premises shall not be parked closer to the street than the nearest building wall unless granted a special exception from the Board of Adjustment.

**SECTION 1215. USE UNIT 15. OTHER TRADES AND SERVICES**

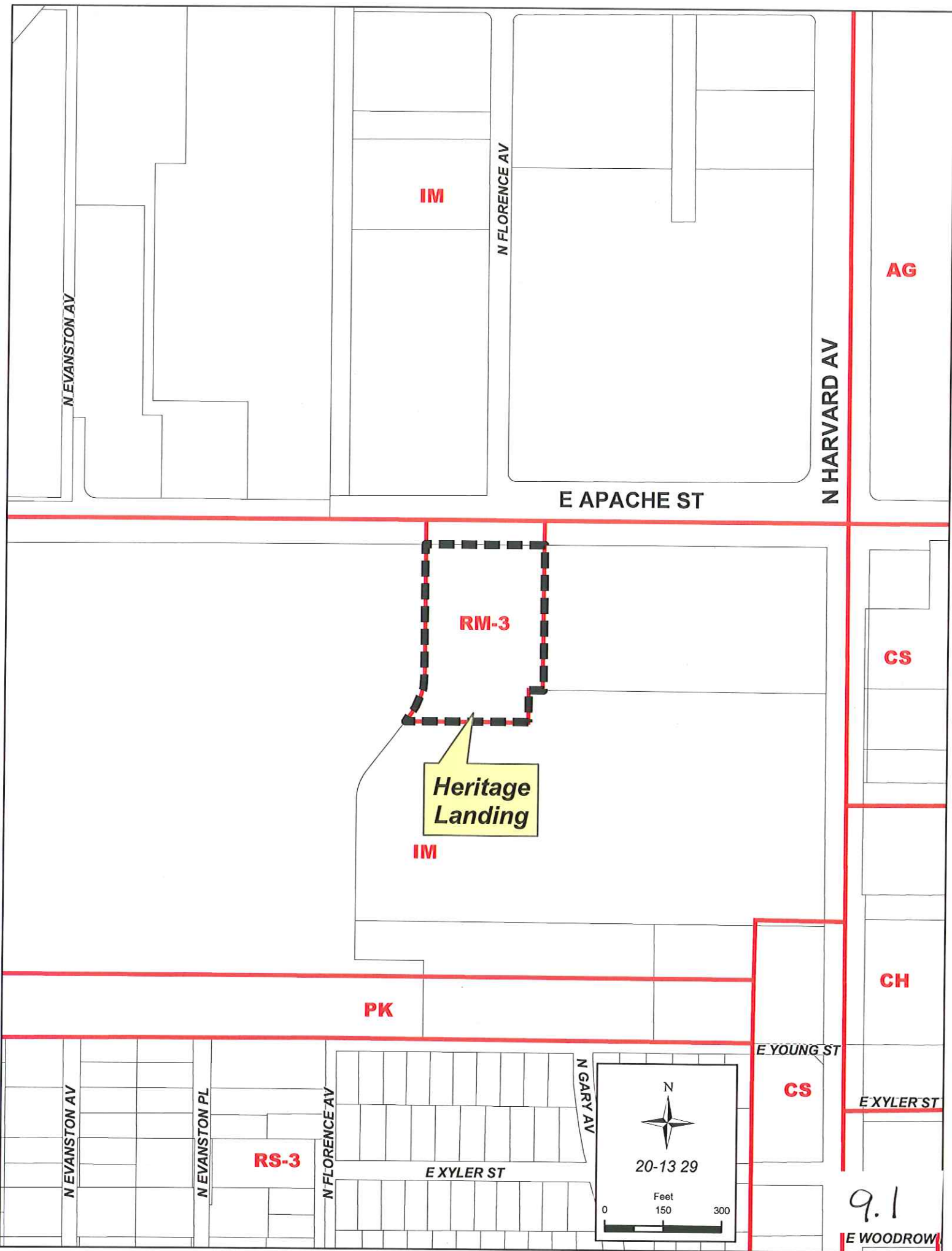
**A. Description**

Trade establishments primarily providing business and household maintenance goods and services ordinarily not found in the primary retail districts because of differing market and site requirements.

**B. Included Uses:**

1. **Trade establishments, including incidental fabricating, processing, installation and repair:**

Air Conditioning and Heating  
Bait Shops  
Bottled Gas  
Carpeting  
Decorating  
Fence  
Flea Market  
Fuel Oil  
General Merchandising Establishment, NEC



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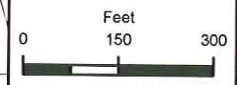
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29 20-13

**Heritage  
Landing**

Feet  
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Aerial Date: MARCH 2008

9.2



## AUTHORIZATION FOR ACCELERATED RELEASE OF A BUILDING PERMIT

### **Heritage Landing – (0329) (PD 3) (CD 3)**

East of the Southwest corner of Apache and North Harvard Avenue

The property is zoned RM-3. Shell permits are requested. A preliminary plat was approved on March 18, 2009 for this location.

Review of this application must focus on the extraordinary or exceptional circumstances that serve as a basis for the request and must comply in all respects with the requirements of the approved preliminary plats per Section 2.5 of the Subdivision Regulations.

The applicant offers the following explanation of the extraordinary and exceptional circumstances that serve as the basis for this request: Asking only for shell construction permit to meet project schedule. The property is one lot, one block, and very little public improvement is needed for property development.

***The following information was provided by the Technical Advisory Committee in its meeting March 5, 2009.***

#### **ZONING:**

- *TMAPC Staff:* Shell permits are requested.

#### **STREETS:**

- *Public Works, Transportation:* No comment.
- *Public Works, Traffic:* No comment.

#### **SEWER:**

- *Public Works, Waste Water:* Sanitary sewer access must be provided through a mainline extension before the project can get either a water or sewer tap.

#### **WATER:**

- *Public Works, Water:* No comment.

#### **STORM DRAIN:**

- *Public Works, Storm Water:* ~~Do not recommend approval of the Accelerated Release until compensatory storage and floodplain impact issues have been addressed.~~ **Development Services staff in now ready to support the application but the permit will not be released until all floodplain issues meet City requirements.**

#### **FIRE:**

- *Public Works, Fire:* No comment.

#### **UTILITIES:**

- *Franchise Utilities:* No comment.

The accelerated building permits were originally designed to accommodate large campus style type of developments and should concentrate upon "the benefits and protections to the City that may be forfeited by releasing the building permit prior to the filing of the plat". These requested permits adhere to this ideal. Staff recommends approval of the authorization to release the accelerated permits with the conditions as commented by the Technical Advisory Committee.







## SECTION II: Code of Ethics

### A. Definitions

1. PRIVATE BENEFIT means a direct or indirect benefit not shared by the general public that could be reasonably expected to impair a Commissioner's objectivity or independent judgment.
2. ORGANIZATIONAL INTEREST exists when a Commissioner is a director or board member of a company, business, or organization that takes an official position before the Planning Commission.
3. EX PARTE COMMUNICATION means a private communication with a Commissioner from a party with an interest, financial or otherwise, in a particular matter before the Planning Commission.

### B. Conflict of Interest:

#### 1. A conflict of interest exists whenever a Commissioner

a. may receive a private benefit as a result of a public action taken by the Planning Commission; or

b. has an organizational interest regarding a matter before the Planning Commission.

The possibility, not the actuality, of a conflict of interest should govern.

The question is, "Would a reasonable person believe me to be unbiased and impartial?"

2. A Planning Commissioner experiencing a conflict of interest should declare his interest publicly, abstain from voting on the matter, and should refrain from any deliberations on the matter. When possible, the Planning Commissioner should leave the public hearing room.
3. A Planning Commission member experiencing a conflict of interest should not discuss the matter in any venue other than the public hearing with any fellow TMAPC member, staff or other officials involved in decision making on the matter for the purpose of influencing a decision thereon.

#### B. Ex Parte 1.

Although not forbidden, per se, ex parte communication has the potential to influence a Planning Commissioner's decision on quasi-judicial matters before the Commission. The Planning Commissioner who receives ex parte communication may, if he or she feels that it is appropriate, disclose this prior to public discussion of the subject matter.

2. The Commissioner should also evaluate whether, as a result of this communication, he/she can remain unbiased and impartial and should either abstain or participate accordingly. As with a potential conflict of interest, the appearance, not the actuality, of bias should govern.

### C. Release of Information:

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Deleted: A Planning Commissioner to whom some private benefit, direct or indirect, financial or otherwise, may come as a result of some public action should not be a participant in that action. Conflicts of interest may be financial or associational.

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Deleted: has abstained may still participate in the public hearing as a private citizen.

Deleted: Communication - Private communication with a Planning Commissioner from a party with an interest, financial or otherwise, in a particular.

§

1. No Planning Commissioner or staff member shall use or transmit to others for private benefit any information derived from Planning Commission activities unless and until such information is made available to the public at large.
2. No Planning Commissioner or any person appearing before the Planning Commission shall knowingly misrepresent facts or distort information for the purpose of achieving a desired outcome.

D. Appearance at City Council

1. Planning Commissioners who appear at City Council Public Hearings on Planning Commission matters should do so as representatives of the majority opinion. Only the person designated by the Chair shall be the official spokesperson for the Planning Commission. The official spokesperson for the Commission shall, to the best of his or her ability, present an unbiased record of the proceedings and the decision of the Commission. The official spokesperson shall not present new facts or arguments that were not made available at the hearing before the Commission.<sup>2</sup>. Nothing herein would deprive a Planning Commissioner of the right to speak at a public hearing. If a Planning Commissioner chooses to speak at a public hearing, and he or she has not been designated as the spokesperson by the Chair, that Commissioner must state that:
  - a. Though they are a Planning Commissioner, they are before the City Council as an individual, and not on behalf of the Commission; and
  - b. They have no authority to make representations regarding the Planning Commission's public meetings, thought processes, or decision-making.
3. If a Planning Commissioner other than the one designated by the Chair intends to speak at a public hearing on a matter upon which the Planning Commission has previously voted, he or she must notify all members of the commission that intention at least 24 hours prior to the public hearing.

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## **Proposed Amendment**

### **Tulsa Metropolitan Area Planning Commission Mission Statement**

The Mission of the Tulsa Metropolitan Area Planning Commission is to provide unbiased advice to the City Council and the County Commissioners on development and zoning matters, to provide a public forum that fosters public participation and transparency in land development and planning, to adopt and maintain a comprehensive plan for the metropolitan area, and to provide other planning, zoning and land division services that promote the harmonious development of the Tulsa Metropolitan Area and enhance and preserve the quality of life for the region's current and future residents.



## **Current TMAPC Mission Statement**

### **TMAPC**

#### **MISSION STATEMENT**

The mission of the Tulsa Metropolitan Area Planning Commission (TMAPC) is to provide comprehensive planning, zoning and land division services for the City of Tulsa and Tulsa County through a joint city-county cooperative planning commission resulting in the orderly development of the Tulsa Metropolitan Area and enhancing and preserving the quality of life for the region's current and future residents.